

November 25, 2002

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Via Hand Delivery  
Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re:** Sinclair Broadcast Group Inc.  
Petition for Partial Reconsideration  
MM Docket **No. 00-39: Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television**

Dear Ms. Dortch:

On November 8, 2002, Sinclair Broadcast Group Inc. ("Sinclair") filed the attached Petition for Partial Reconsideration electronically via the Electronic Comment Filing System ("ECFS"). Sinclair received the attached receipt confirmation (Confirmation Number: 2002118240289).

After discussions with your office, we have learned that many filings timely and properly submitted electronically on November 8, 2002 have been lost as a result of an ECFS crash on November 9, 2002. Thus, we are hereby resubmitting an original and **four** (4) copies of this filing in paper form along with the receipt confirmation. We hereby respectfully request that the Commission accept this Petition for Partial Reconsideration as timely filed on November 8, 2002.

Please contact the undersigned with any questions.

Very truly yours,

  
David S. Konczal

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**Federal Communications Commission**

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Date Received: Nov 8 2002		
Docket: 00-39		
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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Review of the Commission's Rules and	)	
Policies Affecting the Conversion	)	MM Docket No. 00-39
To Digital Television	)	

**PETITION FOR PARTIAL RECONSIDERATION of  
SINCLAIR BROADCAST GROUP, INC.**

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Kathryn R. Schmeltzer  
David S. Konczal  
  
Its Attorneys

Dated: November 8, 2002

## **Summary**

In this proceeding, the Commission has taken an important step in facilitating the digital television (“DTV”) transition by requiring that all new television receivers contain tuners for the reception of over-the-air DTV signals. But this can by no means be considered the last step if American consumers are to actually experience the wonders of DTV that they have been promised for years. The Commission must now take action to assure American consumers that the televisions they purchase with newly mandated DTV tuners actually provide reliable reception of DTV.

The Commission cannot rely on the promises of equipment manufacturers that the “marketplace” will ensure that Commission-mandated DTV tuners will provide reliable DTV reception. Equipment manufacturers have made no secret that they do not care about the quality of over-the-air reception because, in their view, most consumers rely on cable or satellite. If manufacturers view over-the-air reception as unimportant and worthless, there can be little doubt that Commission-mandated tuners will be worthless as well.

The Commission has now affirmed in this proceeding that the All Channel Receiver Act (“ACRA”) applies to DTV, thereby allowing the Commission to require that all television receivers “adequately receive” DTV frequencies. Congress left the term “adequately” undefined in the ACRA, leaving to the Commission the task of defining this term. Now the Commission must take the next step and provide meaning to the concept of “adequate” DTV reception.

The Commission has been down this road before when it adopted requirements for adequate reception of analog UHF signals pursuant to the ACRA. At that time, the Commission did not simply require that all TV sets provide “adequate” reception and then leave it to equipment manufacturers to decide what “adequate” meant. Rather, through a series of

decisions, the Commission provided the term with meaning, adopting requirements such as noise figure and peak picture sensitivity standards. The Commission must now do the same for DTV, keeping in mind that consumers expect DTV reception to be of much better quality than analog reception. Yet, at the same time, consumers expect that they will enjoy the same ease of reception with DTV that they currently enjoy with analog television, where a simple indoor antenna provides adequate reception. Sinclair thus urges the Commission to clarify the meaning of adequate DTV reception by adopting requirements for a DTV receiver noise figure, dynamic range and sensitivity level, receiver selectivity level, and multipath tolerance.

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Review of the Commission's Rules and	)	
Policies Affecting the Conversion	)	MM Docket No. 00-39
To Digital Television	)	

**PETITION FOR PARTIAL RECONSIDERATION**

Sinclair Broadcast Group, Inc. ("Sinclair") hereby files this Petition for Partial Reconsideration of the *Second Report and Order* ("**Order**") adopted in the above-captioned proceeding in which the Commission has decided pursuant to its authority under the All Channel Receiver Act ("ACRA") to require new television receivers to include digital television ("DTV") tuners.<sup>1</sup> Sinclair asks that the Commission clarify this **Order** by adopting requirements to ensure that all DTV receivers are capable of "adequately receiving" DTV signals as required under the ACRA

**Background**

The ACRA states that the Commission shall:

"Have authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of **adequately receiving** all frequencies allocated by the Commission to television broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public."<sup>2</sup>

In January 2001, the Commission issued an *Order and Further Notice of Proposed Rulemaking* ("**FNPRM**") asking for comment as to whether it should require new TV sets to be

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<sup>1</sup> The **Order** was published in the *Federal Register* on October 11, 2002. See 67 Fed. Reg. 63290 (Oct. 11, 2002). Thus, this Petition for Reconsideration is timely filed within thirty days after publication in the *Federal Register* as required by Section 1.429(d) of the Commission's rules. 47 C.F.R. § 1.429(d).

<sup>2</sup> 47 U.S.C. § 303(s) (emphasis added).

capable of demodulating and decoding over-the-air DTV signals, such as by requiring all new sets to have a DTV tuner.<sup>3</sup> In this decision, the Commission concluded that it had authority under the ACRA to “require that television receivers be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting. . . . [A] plain language reading of this section does not limit our authority to analog television receivers, nor does it limit our authority to channels in the UHF band. . . . [The ACRA] provides the Commission with authority to require that television receivers be capable of adequately receiving [DTV] channels.”<sup>4</sup> Consumer electronics manufacturers filed Petitions for Reconsideration urging the Commission to reverse this decision.<sup>5</sup>

In August 2002, the Commission issued the above-captioned *Order* denying these Petitions for Reconsideration and adopting rules based on its January 2001 *FNPRM*.<sup>6</sup> The FCC confirmed that its authority under the ACRA “applies to all devices used to receive broadcast television service, not just those used to receive analog signals. . . . Inasmuch as DTV stations are assigned to VHF and UHF channels, rules requiring TV receivers to be able to receive all DTV channels are consistent with the intent of Congress in enacting the ACRA, *i.e.*, to provide the Commission with the authority to require that television receivers be equipped at the time of

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<sup>3</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Report and Order and Further Notice of Proposed Rulemaking*, MM Docket No. 00-39, 16 FCC Rcd 5946, ¶¶ 118-124 (Jan. 19, 2001).

<sup>4</sup> *Id.* at ¶ 124.

<sup>5</sup> *See, e.g.*, Petition for Clarification and Reconsideration of the Consumer Electronics Association, MM Docket No. 00-39 (March 15, 2001); Petition for Partial Reconsideration of Thomson Multimedia, Inc., MM Docket No. 00-39 (March 15, 2001).

<sup>6</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Second Report and Order and Second Memorandum Opinion and Order*, MM Docket No. 00-39 (Aug. 9, 2002) (“*Order*”).



manufacture to receive all television channels in the allocated television broadcast bands.”

Pursuant to its authority under the ACRA, the FCC adopted rules requiring new TV receivers to include a DTV tuner, subject to a timetable.’ The Commission also explained that the ACRA provides it with authority to require that receivers “adequately” receive all frequencies and that the legislative history indicates that the word “adequately” was added to the ACRA to ensure that all receivers would be constructed with equipment sufficient to permit “satisfactory and usable reception.” In the *Order*, however, the Commission did not provide any guidance as to what constitutes adequate, satisfactory, or useable DTV reception.

### **Discussion**

#### **I. THE COMMISSION MUST PROMPTLY ADOPT REQUIREMENTS TO ENSURE DTV TUNERS “ADEQUATELY RECEIVE” ALL DTV FREQUENCIES**

Sinclair welcomes the Commission’s effort to bring the benefits of DTV to American consumers by requiring new TVs to include DTV tuners. This is a necessary and critical first step for facilitating the DTV transition, but it can by no means be considered the final step. A requirement that new receivers contain a DTV tuner absent requirements to ensure some degree

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<sup>7</sup> *Id.* at ¶¶ 24-25.

<sup>8</sup> The Commission adopted the following timetable: (i) for receivers with screen sizes 36” and above, 50% of all of a responsible party’s units must include DTV tuners effective July 1, 2004; 100% of such units must include DTV tuners effective July 1, 2005; (ii) for receivers with screen sizes 25” to 36,” 50% of all of a responsible party’s units must include DTV tuners effective July 1, 2005; 100% of such units must include DTV tuners effective July 1, 2006; (iii) for receivers with screen sizes 13” to 24,” 100% of all such units must include DTV tuners effective July 1, 2007; and (iv) for other devices (such as videocassette recorders, digital video disk and digital versatile disk players and recorders, that receive television signals), 100% of all such units must include DTV tuners effective July 1, 2007. See *Order* at Appendix B (adopting 47 C.F.R. § 15.117(h)).

<sup>9</sup> *Order* at ¶ 29

of reliable reception is essentially meaningless and will do nothing to expedite the DTV transition or bring the benefits of DTV to consumers.

In the **Order**, the Commission provides little substance as to what the term “adequately receive” means in the context of DTV reception. At most, the Commission explains that the term “adequately” was added to the ACRA to ensure that “all receivers would be constructed with equipment sufficient to permit ‘satisfactory and *usable* reception.’”” The Commission later explains that it will allow equipment manufacturers “to maintain *broad discretion* in determining the specific features and performance capabilities of their DTV receiving equipment” and that it is only requiring that receivers “provide *useable* picture and sound commensurate with their video and audio capabilities when receiving digital television signals.”“

Relying on consumer electronics manufacturers to define adequate or useable reception of over-the-air DTV signals is like allowing the fox to guard the hen house. The unwillingness of equipment manufacturers to do anything that would facilitate over-the-air reception of DTV is demonstrated by their decision to file an appeal of the tuner mandate with the U.S. Court of Appeals for the D.C. Circuit.” In addition, statements made by representatives of the Consumer Electronics Association (“CEA”) indicate that equipment manufacturers simply do not care about over-the-air DTV reception.<sup>13</sup> In their view, over-the-air DTV is simply unimportant

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<sup>10</sup> *Id.* at ¶ 29 (emphasis in original)

<sup>11</sup> *Id.* at ¶ 45 (emphasis added).

<sup>12</sup> *See Consumer Electronics Ass’n v. FCC*, Docket No. 02-1312 (D.C. Cir.) (filed Oct. 11, 2002).

<sup>13</sup> *See* Daisy Whitney, *FCC Orders Digital Tuners in TVs by ’07*, Electronic Media (Aug. 12, 2002) at 1A (quoting CEA spokesperson Jenny Miller as stating that “Most consumers don’t need [a DTV tuner] because they get signals through cable”); Greg Gatlin, *Feds Mandate Digital TV Tuner*, The Boston Herald (Aug. 9, 2002) at 27 (quoting CEA President Gary Shapiro as stating “With fewer than 13 percent of American households relying on over-the-air reception of their TV signal, we don’t need a digital broadcast tuner embedded in every new television in

because most consumers rely on cable or satellite. Given that equipment manufacturers believe a DTV tuner for reception of over-the-air signals is worthless, there can be little doubt that the DTV tuners manufacturers place in new TVs will be worthless as well. The Commission cannot realistically expect equipment manufacturers to spend resources on over-the-air DTV tuners when they consider the over-the-air market small and unimportant. Rather, to meet the letter of the law, equipment manufacturers can be expected to place nothing but the least costly and therefore worst performing tuners in new sets. Absent some standards that require DTV tuners to provide “adequate” reception, consumers may very well be purchasing more expensive DTV receivers that provide less reliable reception than analog receivers.<sup>14</sup>

While equipment manufacturers may choose to ignore the tens of millions of Americans who rely on over-the-air television reception, the Commission has demonstrated in adopting the DTV tuner mandate that it will not do the same.<sup>15</sup> The wonders of DTV have been promised to

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order to accelerate the DTV transition”); *FCC Orders Set Manufacturers to Include DTV Tuner*, Communications Daily (Aug. 9, 2002) (CEA President Gary Shapiro “said the decision was wrong because 90% of Americans didn’t need tuners because they received their broadcast signals through cable or satellite”); Eric A. Taub, *The Big Picture on Digital TV: It’s Still Fuzzy*, The New York Times (Sept. 12, 2002) at sec. G, p. 1 (quoting CEA President Gary Shapiro as stating that “When the digital television transition started, we thought it would be driven by broadcasters. What were we thinking? Cable and satellite is where the action is.”).

<sup>14</sup> In a recent speech announcing his vision for spectrum policy in the United States, Chairman Powell recognized that the Commission has too often failed to focus on receivers, explaining that “interference is often more a product of receivers; that is receivers are too dumb or too sensitive or too cheap to filter out unwanted signals. Yet, our decades-old rules have generally ignored receivers.” *See* Remarks of Chairman Powell at University of Colorado at Boulder, “Broadband Migration 111: New Directions In Wireless Policy” (Oct. 30, 2002). One of the Chairman’s spectrum policy reform proposals is to require receivers “to tolerate an interference level . . . Rather than simply saying your transmitter cannot exceed a certain power, we instead would utilize *receiver standards* and new technologies to ensure that communication occurs without interference.” *See id.* (emphasis added). The DTV proceeding presents a prime opportunity for the Commission to implement this policy by adopting requirements that DTV receivers provide adequate reception.

<sup>15</sup>

As Chairman Powell explained in his Separate Statement on the *Order*:

all American consumers, not just those who rely on cable and satellite.<sup>16</sup> In this instance, where equipment manufacturers readily admit that there are not sufficient numbers of over-the-air DTV viewers for them to be concerned with over-the-air reception, relying on the marketplace to ensure that over-the-air DTV viewers receive adequate reception will simply not suffice.<sup>17</sup> It is the Commission's duty to step in where the marketplace fails and to require that the DTV tuners it has mandated provide all Americans with adequate over-the-air DTV reception.

While equipment manufacturers may "promise" that the marketplace will ensure adequate reception of over-the-air DTV, the Commission has been misled by equipment manufacturers' promises in the past. For example, in 1970 the Commission required that the UHF tuning process be comparable to the VHF tuning process." Similar to the view of equipment manufacturers today that reception of over-the-air DTV is not important, the Commission noted that "the industry does not share with us the belief that comparable tuning capability is an important, or even a desirable, objective." The Commission explained that "industry promises that voluntary industry action would achieve national policy objectives" on comparable reception had not materialized, thus requiring the Commission to step in to

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"There are approximately 81 million television sets in the U.S. (over 30% of the total) that are not connected to any subscription video service and rely solely on free, over-the-air broadcasting. Of those sets that rely on over-the-air service, about 46.5 million are in broadcast-only homes and 34.5 million are in homes that subscribe to a multichannel video programming service. Thus, over-the-air tuners affect tens of millions of consumers."

<sup>16</sup>

This concern is not limited to consumers who rely exclusively on over-the-air reception. As the Commission acknowledges, "unless cable and DBS carriage of digital broadcast signals increases significantly, a digital tuner may be the only access an MVPD household has to many digital broadcast services during the transition." *Order* at ¶ 44.

<sup>17</sup>

*Order* at ¶ 64 ("We believe that competitive forces are generally the best approach for ensuring that DTV receivers perform adequately.").

<sup>18</sup>

*See Amendment of Part 15 of the Rules and Regulations with Regards to All-Channel Television Receivers, Report and Order*, 21 FCC 2d 245 (February 2, 1970).

<sup>19</sup>

*Id.* at ¶ 22.

promulgate rules.<sup>20</sup> History has a tendency of repeating itself and the Commission would be wise to act now to adopt requirements for “adequate” reception to avoid being fooled again.

## **II. THE COMMISSION HAS A RESPONSIBILITY UNDER THE ACRA TO DEFINE “ADEQUATE” RECEPTION OF DTV**

Having determined that ACRA applies to DTV reception, the Commission must now take the next step and provide meaning to the concept of “adequate” reception of DTV. Congress left the term “adequately” undefined in the ACRA, leaving to the Commission the task of defining this term.” By merely mandating that new television receivers contain a DTV tuner, but not providing some meaning to how these tuners must perform, the Commission has abdicated its statutory responsibility under the ACRA to ensure that DTV receivers provide “adequate” reception.

The Commission has explained that “receiving potential which cannot be translated into an audience” does not fulfill the purposes of the ACRA.<sup>22</sup> To similar effect, in the *Order* itself, the Commission states that “to suggest that statutory requirements are somehow satisfied simply where a receiver picks up the frequency but is incapable of displaying the signal in a *viewable*

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<sup>20</sup> *Id.*

<sup>21</sup> As the Supreme Court explained earlier this year, “as a general rule, agencies have authority to fill gaps where statutes are silent.” *See Nat’l Cable & Telecomms. Ass’n v. Gulf Power Co.*, 122 S. Ct. 782, 783-84 (2002) (citing *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984)).

<sup>22</sup> *Amendment of Part 15*, 21 FCC 2d 245, ¶ 7. Similarly, in response to an argument that Congress was solely concerned with the electrical performance of TV receivers, the Commission explained that “to argue that authority delegated by the Congress relates only to electrical performance, one must assume that the Congress was concerned solely with the capability of the receiving apparatus to receive a television signal in some abstract sense, and that the Congress had no concern as to whether the purchaser of the receiver would be able to obtain a television picture.” *See Amendment of Part 15 of the Rules and Regulations with Regards to All-Channel Television Receivers, Memorandum Opinion and Order*, 23 FCC 2d 793, ¶ 14 (June 29, 1970). The FCC stated that such a position was “untenable.” *Id.* at ¶ 16.

*format* strikes us as an absurd reading of the ACRA.”<sup>23</sup> Thus, while mandating DTV tuners may provide consumers with the “potential” to receive DTV signals, if the reception quality does not meet consumer expectations, the purpose of the ACRA will go unfulfilled

The Commission has acknowledged its responsibility under the ACRA in the past when adopting requirements for adequate reception of UHF signals. In the following series of decisions, the Commission provided meaning to the term

- In 1962, the FCC adopted a rule regarding noise figure and peak picture sensitivity standards for the UHF portion of a TV receiver.<sup>24</sup> This rule is now codified as amended at Section 15.117(f) and (g) of the Commission’s rules.<sup>25</sup>
- In 1970, the FCC required that UHF tuning mechanisms and tuning aids be comparable in capability and quality to those used with VHF channels.<sup>26</sup> The FCC explained that the tuning process is essential to TV viewing and thus if the UHF tuning process is inadequate by comparison with the VHF tuning process, UHF receiving capability will likewise be inadequate. In the 1970’s, the FCC took additional action regarding UHF tuning, including authorizing use of a 70-position, non-memory UHF detent tuning system.<sup>27</sup>
- In 1976, the FCC required manufacturers who market TV receivers with affixed VHF antennas to also affix UHF antennas.” The FCC also mandated that if a VHF antenna is provided with the receiver but not affixed, a UHF antenna must be also be provided.

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<sup>23</sup> Order at ¶ 29 (emphasis added).

<sup>24</sup> See *All Channel Television Receiver Rules (All Channel Act), First Report and Order*, Docket 14760, 27 FR 11698 (November 28, 1962). Specifically, the FCC required the noise figure for any television channel between 14 and 83 to be no larger than 18 db and the peak picture sensitivity of any television broadcast receiver, averaged for all channels between 14 and 83 inclusive, to be no more than 8 db larger than the peak picture sensitivity of that receiver averaged for all television channels between 2 and 13 inclusive.

<sup>25</sup> 47 C.F.R. § 15.117(f) and (g).

<sup>26</sup> See *Amendment of Part 15 of the Rules and Regulations with Regards to All-Channel Television Receivers, Report and Order*, 21 FCC 2d 245 (February 2, 1970).

<sup>27</sup> See *Comparable Television Tuning Regulations, Report and Order*, 32 FCC 2d 612 (Nov. 30, 1971); *Comparable Television Tuning Regulation, Report and Order*, 43 FCC 2d 395 (Oct. 24, 1973); *Amendment of Part 15 Rules and Regulations, Report and Order*, 61 FCC 2d 962 (1976).

<sup>28</sup> See *Amendment of Part 15 of the Commission’s Rules Relating to Television Broadcast Receiver Antennas*, 62 FCC 2d 164 (December 30, 1976).

- In 1978, the FCC reduced its maximum UHF noise figure for TV receivers from 18 dB to 14dB for all new sets manufactured beginning October 1, 1981.<sup>29</sup>

Thus, in adopting requirements for adequate reception of UHF signals pursuant to the ACRA, the Commission did not simply require that all TV sets provide “adequate” UHF reception and then leave it to equipment manufacturers to decide what “adequate” meant. Thus, for DTV, Sinclair urges the Commission to follow a path similar to that used for analog UHF reception and ensure that DTV tuners do not merely offer the “potential” for over-the-air DTV reception in some abstract sense, but actually provide adequate reception acceptable to the American public.

### **III. ADEQUATE DTV RECEPTION IS NOT THE SAME AS ADEQUATE ANALOG TV RECEPTION**

In crafting what constitutes “adequate” DTV reception under the ACRA, the Commission must remember that a consumer purchasing a DTV set has far greater expectations in terms of reception quality than a consumer purchasing an analog set. Throughout the history of the DTV proceeding, the Commission has promised American consumers that DTV will offer them something better than traditional analog reception.<sup>30</sup> Indeed, there is little reason for consumers or broadcasters to invest in the DTV transition if they cannot be assured that television viewing

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<sup>29</sup> *UHF Television Receiver Noise Figures, Report and Order*, 69 FCC 2d 1866 (Aug. 4, 1978).

<sup>30</sup> *Advanced Television Systems*, 13 FCC Rcd 7418 ¶ 3 (Feb. 23, 1998) (“With the introduction of DTV technology we are now on the threshold of major changes in broadcast television. This new technology will open the door to dramatic changes in the nature of broadcast television, allowing broadcasters to offer high definition television service, with major improvements in picture quality, compact-disc quality audio signals . . . These new capabilities will allow broadcasters to offer immediate and significant improvements in the service they provide to the public.”); *Advanced Television Systems*, 12 FCC Rcd 12809, ¶ 20 (April 21, 1997) (noting that DTV “allows broadcasters to offer free television of higher resolution than analog technology”); *Advanced Television Systems*, 11 FCC Rcd 17771, ¶ 3 (Dec. 27, 1996) (“In addition to being able to broadcast one, and under some circumstances two, high definition television programs, the Standard allows for multiple streams, or “multicasting,” of Standard Definition Television (“SDTV”) programming at a visual quality better than the current analog signal.”).

will be a more enjoyable experience. At the same time, consumers expect that they will enjoy the same ease of reception with DTV that they currently enjoy with analog television, where a simple indoor antenna provides adequate reception.

With this in mind, the Commission should adopt the following requirements to ensure that the DTV tuners it has mandated provide adequate reception of DTV signals. First, the Commission should adopt a receiver noise figure for DTV receivers, just as it did ~~for~~ analog service pursuant to the ACRA. The noise figure should be equivalent to that which was used by the Commission to determine DTV signal coverage and channel allocation. Specifically, in constructing the DTV Table of Allotments, the FCC used a computer program assuming a 10 dB noise figure for the VHF band and a 7 dB noise figure for the UHF band.<sup>31</sup> Second, the Commission should require that DTV tuners meet an adequate dynamic range and sensitivity level, just as it did for analog service pursuant to the ACRA to avoid receiver overload conditions. Third, the Commission should require that DTV tuners meet an adequate selectivity standard. The DTV Table of Allotments is characterized by never before authorized adjacent channel allocations. Same market, adjacent channel allocations place a tremendous requirement on DTV tuners to separate the two channels. As a result, the selectivity of the DTV tuner is critical to ensure that it can distinguish between individual channels to adequately receive a DTV signal from the desired station. Finally, the Commission should require that DTV tuners have the capability to receive and decode a signal that has suffered propagation multipath distortion equivalent to that demonstrated to exist in real world reception situations using simple indoor antennas.

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<sup>31</sup> *Advanced Television Systems, Sixth Report and Order*, 12 FCC Rcd 14588,1193 (April 21, 1997).

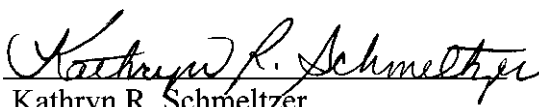


### Conclusion

For the aforementioned reasons, Sinclair asks that the Commission reconsider its *Order* as requested herein and clarify the *Order* by adopting requirements to ensure that the DTV tuners it has mandated are capable of “adequately receiving” DTV signals as required under the ACRA.

Respectfully submitted,

**SINCLAIR BROADCAST GROUP, INC.**

By:   
Kathryn R. Schmeltzer  
David S. Konczal

Its Attorneys

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Dated: November 8, 2002

Document #: 1283772 v.4

## CERTIFICATE OF SERVICE

I, Joan Taylor, a secretary with the law firm of Shaw Pittman LLP, hereby certify that on this 8th day of November 2002, served a true copy of the foregoing "PETITION FOR PARTIAL RECONSIDERATION" by first-class mail, postage prepaid or by hand delivery (as indicated) upon the following:

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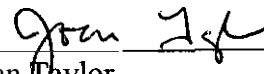
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